

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 163

H. P. 119

House of Representatives, January 13, 1971

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Shaw of Chelsea.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**AN ACT Providing for Regulating Water Well Construction and
Pump Installation.**

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 32, c. 73, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 73, to read as follows:

CHAPTER 73

WATER WELL CONSTRUCTION AND PUMP INSTALLATION

§ 4851. Short title

This chapter shall be known and may be cited as the "Maine Water Well Drilling and Pump Installation Law."

§ 4852. Definitions

As used in this chapter:

1. Apprentice. "Apprentice" means a person who is engaged in learning and assisting in the drilling of wells or installation of pumps.
2. Board. "Board" means the Water Well Contractors Board appointed under section 4854.
3. Department. "Department" mean the Department of Health and Welfare.
4. Journeyman driller. "Journeyman driller" means a person who performs the work of drilling wells under the supervision of a master driller.

5. **Master driller.** "Master driller" means an individual qualified under this chapter to supervise the actual drilling operations, and maintain order at the drilling site, and construct a proper well in a workmanlike manner.

6. **Pump.** "Pump" means a mechanical equipment or device used to remove water from a well.

7. **Pump installation contractor.** "Pump installation contractor" means an individual, firm, partnership or corporation engaged in installation, removal, alteration or repair of water pumping equipment in connection with a water well.

8. **Pump installer.** "Pump installer" means a person who is qualified to engage in the installation, removal, alteration or repair of water pumping equipment in connection with a water well.

9. **Well.** "Well" means a drilled opening in the surface of the earth for the purpose of removing water.

10. **Well drilling contractor.** "Well drilling contractor" means an individual, firm, partnership or corporation primarily engaged in water well construction.

§ 4853. Exemptions

1. **Well.** "Well exempted from this chapter" means that a well, pump or other equipment used for the relief of artesian pressure at hydroelectric projects, or used temporarily for dewatering purposes during construction, or for use associated with the drilling of oil, gas or brine wells, are exempt from this chapter.

2. —private. "Private wells or pumps exempted from this chapter" means that nothing in this chapter shall prevent a person from constructing a well or installing a pump on his own or leased property intended for use only in a single family house which is his permanent residence, or intended for use only for farming purposes on his farm, and where the waters to be produced are not intended for use by the public or in any residence other than his own. Wells constructed or pumps installed by or for public utilities shall be exempt from all provisions other than the construction code.

3. **Master plumber.** "Licensed master plumber exempted from this chapter" means that this chapter shall not restrict a master plumber, licensed under chapter 49, as amended, from engaging in his legally recognized trade. A licensed master plumber may perform the work of a pump installer as prescribed in this chapter, without a pump installer's license.

§ 4854. Water Well Contractors Board

A Water Well Contractors Board is established and shall consist of an executive officer who shall be the Director of the Division of Sanitary Engineering, Bureau of Health, Department of Health and Welfare and 4 other members, hereinafter called the appointive members who shall be appointed by the Governor, with the advice and consent of the Council. Of these appointive members, 4 shall be water well contractors as defined in this

chapter, who have been engaged in the business of well contracting for at least 5 years. As the terms of said appointive members shall expire, new appointive members shall be appointed for terms of 2 years, except that in the beginning 2 appointees shall be appointed for terms of one year to provide for overlapping of terms. Any vacancy in said board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified to hold office during the unexpired term of the member whose place is thus filled. A member of said board may be removed from office for cause by the Governor and Council. The members of the board shall each be allowed the sum of \$25 per day and their necessary traveling expenses for actual attendance at any examination of candidates for license, for any necessary hearings and other meetings.

1. Meetings. The board shall hold regular meetings semiannually and shall hold additional meetings at such other times as they feel necessary, or upon request of the 4 appointive members of their board, or upon request of the executive officer. Said board shall keep accurate records of its proceedings.

2. Rules and regulations. The board, after holding public hearings, may adopt or amend additional rules and regulations deemed necessary to carry out the intent of this chapter.

3. Records. The board shall keep a record of the names and residences of all persons licensed under this chapter and a record of all moneys received and disbursed by it, and said records shall be open for inspection during office hours.

4. Complaints. The board shall investigate all complaints made to it and all cases of noncompliance with or violation of this chapter and shall bring all such cases to the notice of the proper prosecuting officers. When the board establishes that there has been a violation of this chapter or any rule or regulation adopted under this chapter, due to fault of licensee, it shall order the responsible contractor, master driller or pump installer to correct the violation.

§ 4855. Licenses; applications and fees

1. Application. After January 1, 1972, a person, before engaging in the business of well drilling or pump installation, using an application form prepared by the board, shall obtain from the board a license to conduct such business. The applicant shall pay a license fee with his application as follows: The initial license fee and the annual renewal license fee is \$40. A well drilling contractor who qualified as a master driller and a pump installation contractor who qualified as a pump installer, shall be licensed for same without payment of any additional fee.

2. Issuance. The board, after receiving application therefor and payment of the fees provided, may issue a license as a well drilling contractor, pump installation contractor, master driller or a pump installer to persons who hold a similar license in any state, territory or possession of the United States or any foreign country, if the requirements for licensing under which the

license was issued do not conflict with this chapter, are of a standard not lower than that specified by rules, regulations and construction code in this State, and if equal reciprocal privileges are granted to a registrant of this State.

3. **Governmental unit.** A county, city, village, township or other governmental units engaged in well drilling or pump installation shall be licensed, but shall be exempt from paying the license fees if the drilling or installing is done by regular employees of, and with equipment owned by, the governmental unit and the work is on wells or pumps intended for use by the governmental unit.

4. **Violations.** A licensee who violates any provision of this chapter or any rule or regulation promulgated shall be notified to appear before the board and show cause as to why his license should not be suspended or revoked. If the licensee fails to appear, his license shall be revoked forthwith. If, following a hearing, the board finds the licensee to be in violation, it may order him to comply or suspend or revoke his license. The licensee may appeal from the decision of the board to the Kennebec Superior Court as prescribed in the Maine Rules of Civil Procedure for administrative appeals.

5. **Drilling contractor or pump installation contractor.** After January 1, 1972, a well drilling contractor must either be or have in his employment a licensed master driller to supervise drilling operations and a pump installation contractor must either be or have in his employment a licensed pump installer or a master plumber.

6. **Master driller.** After January 1, 1972, a master driller shall have a minimum of 5 years experience in well drilling and have worked a minimum of 1,000 hours each year. There shall be an annual \$15 fee for a master driller's license.

7. **Journeyman.** After January 1, 1972, a journeyman well driller shall have been registered as an apprentice with the board for at least one year and have worked a minimum of 1,000 hours under the supervision of a master driller for a period of one year. The time period shall be certified by the master driller. There shall be an annual \$5 fee for journeyman driller's license.

8. **Apprentice driller.** Each apprentice shall be registered with the board within 30 days after starting an apprenticeship on payment of a registration fee of \$5, and after serving an apprenticeship of not less than one year from the date of registration shall be eligible for examination as a journeyman driller at the next examination held by the board.

9. **Pump installer.** After January 1, 1972, a pump installer shall have worked in water well pump installation for a period of 2 years. The annual fee for a pump installer's license shall be \$15.

10. **Pump installer apprentice.** Each apprentice shall be registered with the board within 30 days after starting apprenticeship on payment of registration fee of \$5, and, after serving apprenticeship of not less than 2 years

from the date of registration, shall be eligible for examination as a pump installer at the next examination held by the board.

11. Expiration of licenses, reinstatement. All licenses shall expire on December 31st and a license which has expired for failure of the licensee to apply and pay renewal fees may be reinstated by the board as follows:

A. Within 3 years, upon receipt of a renewal application, and payment of renewal license fee for each year license was not renewed.

B. After 3 years, upon examination in accordance with the legal requirements for new applicants;

C. A holder of a license, which has been suspended or revoked, may petition the board for a hearing for reinstatement of his license.

12. Fees. All fees received by the board shall be paid by the executive officer thereof into the State Treasury through the Department of Health and Welfare and shall be used for carrying out this chapter.

§ 4856. Grandfather clause

Any person who meets the following requirements and who files an application setting forth background and experience with the board by December 1, 1971, shall, upon payment of the scheduled fee, be granted a license in his respective category:

1. Well drilling contractor. Well drilling contractor who has been continuously engaged in water well contracting for 2 years prior to January 1, 1972;

2. Pump installation contractor. Pump installation contractor who has been continuously engaged in water well pump installation contracting for 2 years prior to January 1, 1972;

3. Pump installer. Pump installer who has been continuously engaged in the installation of water well pumps for 2 years prior to January 1, 1972;

4. Master well driller. Master well driller who has a minimum of 2 years experience in well drilling prior to January 1, 1972 and a letter of recommendation from a well drilling contractor;

5. Journeyman well driller. Journeyman well driller for any person who does not qualify as a master driller but who has otherwise been employed in the water well drilling construction business;

6. Apprentice pump installer. Apprentice pump installer for any person who does not qualify as a pump installer but who has otherwise been employed in the water well pump installation business.

§ 4857. Water well construction code

1. Location. A well shall be located consistent with general layout and surrounding area giving due consideration to the size of the lot, contour of the land, slope of the water table, rock formation, porosity and absorbency

of the soil, local ground water conditions and other factors necessary to implement the basic policies that follow; and a well shall be located so that the well and its surrounding area can be kept in a sanitary condition.

2. **Limitation.** No well shall be constructed nearer than 150 feet from a preparation or storage area of spray materials, fertilizers or toxic chemicals.

3. **New wells.** All new wells constructed after December 31, 1971 except as noted in subsection 4, shall be located at least 100 feet from a septic tank, subsurface disposal field, dry well, seepage pit cesspool, animal or poultry yards, outhouses or any other point where sewage of liquid wastes drain into the soil.

4. **Source of pollution.** Where the well is to be constructed on a lot less than 100 feet by 150 feet and upon which there is an existing structure on the effective date of this chapter, the well may be located a distance of less than 100 feet but not less than 50 feet, from any source of pollution listed in subsection 3, provided that a written report on a form supplied by the board is sent to the department within 30 days after the well is constructed. When it is necessary to construct a well nearer than 50 feet to any of the sources of pollution listed in subsection 3, approval must first be obtained from the department or the board.

5. **Sealing.** The driller will seal the well casing, lower terminal of the casing, with one or several of the methods prescribed:

A. Rubber packer, cement grout, drive shoe, lead packer, pipe shall be driven into bedrock far enough to insure against entry of undesirable elements through the lower terminal of the casing.

B. A minimum of 20 feet of casing or 10 feet in bedrock will be used on every well.

6. **Sand or gravel.** A well installed in unconsolidated sand or gravel aquifers shall be sufficiently cased or fitted with a screen having openings properly sized so the aquifer can be properly developed to produce relatively sand free water.

7. **Alignment.** A well shall not vary from the vertical or from alignment sufficiently to interfere with installation and operation of the pump, provided the pump outside diameter is 2 inches less than the inside diameter of the well casing.

8. **Abandoned well.** An abandoned well shall be filled and sealed by one of the following methods in accordance with the geological formations penetrated, in such a manner as to prevent it from acting as a channel for pollution.

A. A well in unconsolidated deposits shall be filled with clean puddled clay, neat cement grout or concrete grout.

B. The section of a well in cavernous or creviced rock, such as cavernous limestone or basalt lava rock, creviced granite, etc. shall be filled with con-

crete or neat cement grout or alternate layers of concrete or neat cement, gravel or stone aggregate. The filling shall be completed at the top by a layer of neat cement grout or concrete grout extending at least 20 feet above the top of the cavernous rock or the ground surface.

§ 4858. Penalties

Any unlicensed person who willfully violates any provision of this chapter or any rule or regulation made thereunder may be punished by a fine of not more than \$100.

STATEMENT OF FACT

Water well construction and pump installations are not regulated. In order to improve the quality of drinking water for the better health of Maine citizens, the industry should be regulated.